

IN THE DRAWINGS

Applicants propose to insert the caption "PRIOR ART" into Fig. 4, and to label the blocks in Fig. 6 of the drawings in accordance with the accompanying ANNOTATED SHEETS SHOWING CHANGES.

Enclosed herewith are REPLACEMENT SHEETS in which the above changes have been incorporated.

#### REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

As described in the specification on page 4, line 32 to page 5, line 6, a recorder uses the modulation (i.e., address information stored in the modulation) to establish the current location on the disc of its write/read head. As such, according to claims 1 and 6, the "address data bits indicating a current position of the address information in the preformed track on the record carrier".

The term "standardized format" appearing in the claims refers to a Standard defining the parameters for a recordable/rewritable record carrier. As described in the specification on page 4, lines 21-23, the CD-R standard (also known as "The Orange Book") is an example of such a standardized format.

As described in the specification on page 5, lines 13-25, the CD-R standard prescribes the format for the error protection parity bits. However, in the subject invention as claimed in claim 1, the error protection parity bits differ (deviate) from error protection parity bits as prescribed by the standardized format. Claim 4 more particularly indicates that not all of the parity bits are inverted (the CD-R Standard prescribes that all the parity bits are inverted), while claim 5 indicates that the first 10 parity bits are inverted.

Applicants believe that the above changes and explanation answer the Examiner's 35 U.S.C. 112, paragraph 2, rejection of claims 1-12, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1, 2 and 6-9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,065,388 to Roth et al. The Examiner has further rejected claims 4 and 11 under 35 U.S.C. 103(a) as being unpatentable over Roth et al. Applicants acknowledge that the Examiner has found claims 3, 5, 10 and 12 allowable over the prior art of record.

The Roth et al. patent discloses a method and apparatus for recording on a record carrier a table of contents identifying all the recorded data signals, in which data is recorded having the subcode Q address data encoded according to a first polynomial, whereas other data (i.e., the temporary table of contents) is recorded having subcode Q address data encoded according to a second polynomial.

It should be noted that in Roth et al., only data that is recorded by the recorder may be encoded using the first or second polynomial. With a record carrier having preformed track, the address data and error-protection parity bits is not changed at all and fully complies with the standardized format. Hence, the pre-recorded address and parity marks are equal in all cases. There is only one standardized recordable blank disc.

In the subject invention, the pre-recorded parity marks are different from the standard parity marks, i.e., the preformed track has error-protection parity bits arranged to deviate from

that prescribed by the standardized format (e.g., the CD-R Standard). As such, a recorder arranged as per the standardized format and not in accordance with the subject invention, will not correctly interpret the error protection parity bits and will not be able to record on the record carrier of the subject invention.

Applicants submit that there is no disclosure or suggestion in Roth et al. that the blank record carrier to be used in the recorder should be manufactured differently such that the error protection parity bits prerecorded in the pregroove should deviate from that prescribed by the standardized format (e.g., the CD-R Format).

Applicants note that the Examiner has taken Official Notice "that CD-R having not all of error-protection parity bits inverted are old and widely used in the optical recording art and therefore they are old and well known (see WONG et al 6,771,570, column 27, table 15)." However, Applicants submit that Wong et al. actually shows in Table 15 that the CRC (error protection) is 14 bits and that "CRC bits 36-49 are inverted on the disc." It should be noted that bits 36-49 total 14 bits. As such, all the CRC bits are inverted. Hence, the Examiner's "Official Notice" is flawed.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-12, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by /Edward W. Goodman/  
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611